

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	: Chapter 11
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BH S&B HOLDINGS LLC, <u>et al.</u> ,	: Case No.: 08-14604 (MG)
	:
Debtors.	: Jointly Administered
	:
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**ORDER GRANTING DEBTORS' AND COMMITTEE'S JOINT
FOURTH OMNIBUS OBJECTION TO ADMINISTRATIVE CLAIMS**
(Administrative Claims Not Timely Filed)

Upon the joint fourth omnibus objection (the "Objection")¹ of the Debtors and the Committee to the administrative claims set forth in Exhibit A to the Objection; and the Court having jurisdiction to consider the Objection and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and the Court having found that good and sufficient cause exists for granting the Objection to the extent provided herein; and upon the record of these Chapter 11 cases and any hearings held to consider the Objection; and it appearing that each untimely claim listed on Exhibit A was filed after the Administrative Expense Bar Date; and it appearing that the relief requested in the Objection with respect to the claims listed on Exhibit A is appropriate in the context of these cases and in the best interests of the Debtors and their respective estates, their creditors, and all other parties-in-interest; and it appearing that notice of the Objection was adequate and proper under the circumstances of these cases, and it appearing that no other or further notice need be given; it is hereby

¹ Capitalized terms used but not defined herein shall have the meaning set forth in the Objection.

ORDERED that the Objection is sustained as provided herein;

ORDERED Untimely Claims listed on Exhibit A hereto are hereby disallowed and expunged with prejudice, and the holders thereof shall be forever barred, estopped, and enjoined from asserting such claim against the Debtors; and it is further

ORDERED that nothing in the Objection or this Order shall be construed as a waiver of the Debtors' or the Committee's right to object to the Untimely Claims on other grounds or to amend the Objection; and it is further

ORDERED that the Debtors and the Committee are authorized to take all actions necessary to effectuate the terms of this Order; and it is further

ORDERED that the terms and conditions of this Order shall be immediately enforceable and effective upon its entry; and it is further

ORDERED that the Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: New York, New York
July 7, 2010

/s/ Martin Glenn
UNITED STATES BANKRUPTCY JUDGE

Exhibit A

Untimely Claims

Claimant Name	Claim No.	Date Filed	Reason for Disallowance	Mailing Address	Admin Claim Amount	Asserted Nature	Debtor Name
David B. Cleary	576	3/31/2009	Untimely Claim	David B. Cleary 4349 Ridgeway Ave. Ashland, KY 41101	\$6,173.04	Administrative Priority	BH S&B Holdings LLC
State of New Jersey, Department of Treasury	579	4/2/2009	Untimely Claim	Anne Milgram Attorney General R.J. Hughes Justice Complex P.O. Box 106 Trenton, NJ 08625	\$3,027.55	Administrative Priority	BH S&B Retail LLC
Consolidated Edison Company of New York, Inc.	663	5/14/2009 ¹	Untimely Claim	Bankruptcy Group, Room 1875-S 4 Irving Place New York, NY 10003	\$4,495.62	Administrative Priority	BH S&B Holdings, et al.

¹ Proof of claim no. 663, as obtained from Kurtzman Carson Consultants LLC, which serves as the official noticing and claims agent in these Chapter 11 cases, does not contain a stamp indicating the date of receipt. However, the proof of claim is dated May 14, 2009, which is subsequent to the Administrative Expense Bar Date, and more than thirty days after March 18, 2009, which proof of claim 663 indicates is the last date giving rise to an amount being asserted.

Claimant Name	Claim No.	Date Filed	Reason for Disallowance	Mailing Address	Admin Claim Amount	Asserted Nature	Debtor Name
Pyramid Walden Company, L.P.	673	9/9/2009	Untimely Claim	Menter, Rudin & Trivelpiece, P.C. Attn: Kevin M. Newman, Esq. 308 Maltbie Street, Suite 200 Syracuse, NY 13204-1498	\$17,306.89 ²	Administrative Priority	BH S&B Holdings LLC

² Pyramid Walden filed proof of claim no. 673 (the “Amended Claim”) as a purported amendment to their timely filed proof of claim no. 83 (the “Original Claim”). The Amended Claim does not clarify or otherwise correct inaccuracies contained within the Original Claim, but rather seeks to assert an additional \$3,128.00 for alleged “sign removal”, which the Amended Claim asserts occurred on March 26, 2009 – prior to the Administrative Expense Bar Date set forth in the Court’s Bar Date Order. Accordingly, the Amended Claim should have been filed prior to April 26, 2009, such date being thirty days after the date allegedly giving rise to the claim. Pyramid Walden’s failure to comply with the Bar Date Order mandates a finding of untimeliness with respect to the Amended Claim.

